



CITY OF EDMONTON

BYLAW 2202

PARKLAND BYLAW

(CONSOLIDATED ON NOVEMBER 25, 2003)

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BYLAW 2202

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Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(b) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- | | | |
|--------------------|-------|---|
| PURPOSE | 1 | The purpose of this bylaw is to regulate the conduct and activities of people on Parkland in order to promote the safe, enjoyable and reasonable use of such property and to protect and preserve natural ecosystems for the benefit of all citizens of the City. |
| DEFINITIONS | 2 | In this bylaw, unless the context otherwise requires: |
| | (a) | “ Boulevard ” means land shown as a road, or a road right of way, on a plan of survey filed or registered in a land titles office but does not include a Roadway; |
| | (a.1) | “ Bicycle ” means a cycle propelled solely by human power on which a person may ride that has two wheels and includes a bicycle with training wheels; |
| | | (S.2, Bylaw 13518, as amended, November 25, 2003) |
| | (b) | “ City ” means the City of Edmonton; |
| | (c) | “ City Manager ” means the Chief Administrative Officer |

of the City or his delegate;

- (d) **“Dog”** has the same meaning as in the *Animal Licensing and Control Bylaw*;
- (e) **“Highway”** has the same meaning as in the *Traffic Safety Act*;
- (f) **“Improved Trail”** means an identifiable path, track or public right of way on Parkland intended for use by pedestrians and Vehicles other than Motor Vehicles that has:
 - (i) a surface width equal to or greater than one and a half metres; and
 - (ii) an improved surface such as pavement, granular material or mulch or a maintained grass surface;
- (g) **“Motor Vehicle”** means a Vehicle propelled by any power other than muscular power but does not include a motorized wheelchair or other similar device;
- (h) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (i) **“Off-Highway Vehicle”** means any amphibious machine, all terrain vehicle, miniature motor vehicle, snow vehicle or minibike, all of which have the same meaning as in the *Traffic Safety Act*;
- (j) **“Off Leash Area”** has the same meaning as in the *Animal Licensing and Control Bylaw*;
- (k) **“Parkland”** means any property, whether developed or not, owned, controlled or maintained by the City that is:
 - (i) intended to be used by members of the public for recreation and general enjoyment;
 - (ii) preserved as a natural area;
 - (iii) used as a cemetery;
 - (iv) zoned AP (Public Parks), A (Metropolitan Recreation), AN (River Valley Activity Node) or US (Urban Services);
 - (v) contained in the North Saskatchewan River Valley and Ravine System Protection Overlay as described

in the City bylaw governing land use;

- (vi) designated as municipal reserve, environmental reserve or a public utility lot pursuant to the *Municipal Government Act*; or
- (vii) that portion of any Boulevard contiguous with, partially within, or fully within any property described above;
- (l) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (m) **“Roadway”** means that part of a Highway intended for use by vehicular traffic but does not include an Improved Trail or an Unimproved Trail;
- (n) **“Unimproved Trail”** means an identifiable path, track or public right of way on Parkland intended for use by pedestrians and Vehicles other than Motor Vehicles that has:
 - (i) a surface width equal to or greater than a half metre; and
 - (ii) a natural surface;
- (o) **“Vehicle”** means a device in, on or by which a person or thing may be transported or drawn on a Highway;
- (p) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

RULES FOR INTERPRETATION

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - PERMISSION FOR ACTIVITIES ON PARKLAND

WHEN ACTIVITY PERMITTED

- 4 Notwithstanding any other provision of this bylaw a person may carry out any activity on Parkland otherwise regulated, restricted or prohibited by this bylaw if:
- (a) a permit has been issued by the City allowing such activity;
 - (b) the activity is permitted or contemplated pursuant to a license or rental agreement governing the Parkland;

- (c) the activity takes place in an area designated by the City for such activity;
- (d) the activity is permitted by signage;
- (e) another bylaw of the City specifically permits the activity on Parkland or an area of Parkland; or
- (f) the person is an employee or authorized agent of the City acting within the scope of their functions, duties or powers.

CONTRAVENTION OF PERMIT 5 No person shall contravene any term or condition contained in a permit issued by the City pursuant to this bylaw.

PART III - REGULATION OF ACTIVITIES ON PARKLAND

STRUCTURES 6 While on Parkland no person shall:

- (a) climb on any building, structure or equipment unless it is designed specifically for the purpose of climbing;
- (b) build a structure, whether permanent or temporary; or
- (c) set up any form of temporary abode except in an area designated by the City for this activity.

FIRE PREVENTION 7 While on Parkland no person shall:

- (a) start, maintain or permit to remain lit a fire except in a fireplace, fire-pit or other similar receptacle provided by the City for this purpose;
- (b) leave a fire burning unattended;
- (c) leave a fire without completely extinguishing any flame and ensuring the embers are cold; or
- (d) dispose of any coals or embers except in a receptacle provided by the City for this purpose.

PRESERVATION OF NATURAL AREAS 8 While on Parkland no person shall:

- (a) enter into any undeveloped or natural area other than on an Improved Trail or an Unimproved Trail;
- (b) remove any rock, gravel, sand or soil;
- (c) move, remove, cut or damage any tree, shrub, flower, other

plant or deadfall; or

- (d) possess a chain saw or machete.

**PROTECTION OF
THE
ENVIRONMENT**

9

While on Parkland no person shall:

- (a) attach any poster, notice, advertisement or other similar item to any property except in an area designated by the City for this activity;
- (b) urinate or defecate except in a facility provided by the City for this purpose;
- (c) leave garbage, litter or other refuse except in a receptacle provided by the City for this purpose;
- (d) deposit grass clippings, dirt, rubble or other waste materials;
- (e) deposit chemicals or pesticides;
- (f) foul the water of any lake, pond or other similar body of water; or
- (g) store or leave construction equipment or related items.

**RESTRICTED
AREAS**

10

While on Parkland no person shall:

- (a) enter any area to which access has been prohibited or regulated by signage or fencing or other barricade;
- (b) move, remove or alter any signage or fencing or other barricade prohibiting or regulating access to any area; or
- (c) enter onto the field of play at Telus Field or Commonwealth Stadium.

**PARKLAND
ACCESS**

11

No person shall enter or be on Parkland:

- (a) between the hours of 11 p.m. and 5 a.m.; or
- (b) at any time when an area of Parkland is closed.

TRAIL USE

12

(1) Every person using an Improved Trail or an Unimproved Trail shall:

- (a) yield the right of way to slower moving people;
- (b) alert anyone about to be overtaken by giving an audible

signal a reasonable amount of time before overtaking; and

- (c) use reasonable care when overtaking another person.

(1.1) Every person using a Bicycle on an Improved Trail or an Unimproved Trail shall alert anyone about to be overtaken by sounding a bell a reasonable amount of time before overtaking;

(S.3, Bylaw 13518, as amended, November 25, 2003)

(2) No person shall use an Improved Trail or an Unimproved Trail in a manner prohibited or regulated by signage governing the trail or any portion of the trail.

(3) No person shall use an Unimproved Trail when conditions are such that using the Unimproved Trail is reasonably likely to result in damage to the Parkland.

(4) In this section “damage” includes but is not limited to:

- (a) erosion of the Unimproved Trail or the surrounding area; or
- (b) rutting the surface of the Unimproved Trail.

DANGEROUS ACTIVITIES

13 While on Parkland no person shall:

- (a) act in a way, including throwing or propelling an object, that is reasonably likely to cause injury to another person, or damage to property;
- (b) possess any firearm, bow, arrow or hunting type knife; or
- (c) modify any land in a way that is reasonably likely to cause injury to another person or damage to property.

SPORTING ACTIVITIES

14 While on Parkland no person shall:

- (a) swim, wade or bathe in any lake, pond or other similar body of water;
- (b) operate a boat, wind-surfer or other water-borne craft on any lake, pond or other similar body of water except in an area designated by the City for this activity; or
- (c) play golf except on a golf course.

14.1 While on Parkland no person shall operate a Bicycle unless the Bicycle is equipped with a working bell.

(S.4, Bylaw 13518, as amended, November 25, 2003)

**ACTIVITIES
REQUIRING A
PERMIT**

- 15 While on Parkland no person shall:
- (a) leave or place any sign;
 - (b) spread or deposit cremated remains;
 - (c) organize or participate in an outdoor gathering of more than 50 people;
 - (d) operate a model aircraft, rocket or other power assisted flying model;
 - (e) sell, display or distribute any goods or services;
 - (f) conduct any business or commercial venture;
 - (g) tether, launch or land a hot air balloon, hang-glider, ultra-light aircraft or other similar airborne craft; or
 - (h) possess or set off any firecracker, fireworks or explosive material of any kind;
- unless a permit has been issued by the City specifying the activity may take place on Parkland.

**OTHER PARKLAND
USERS**

- 16 While on Parkland no person shall:
- (a) do anything that is reasonably likely to disturb the peace or enjoyment of other persons using the Parkland; or
 - (b) interfere with the exclusive use of any area of Parkland granted to another person or group.

ANIMALS

- 17 (1) Unless otherwise permitted by this bylaw no person shall allow any animal under their control, or for which they are responsible, to be on Parkland.
- (2) A person may have a Dog on Parkland so long as the Dog is:
- (a) leashed and on an Improved Trail or an Unimproved Trail;
 - (b) leashed and on a Boulevard;
 - (c) leashed and in an area governed by signage permitting Dogs; or
 - (d) in an Off Leash Area;

but only if the Dog is, at all times, kept at least 10 metres from any developed playground or picnic site.

(3) Notwithstanding this section, a person having a Dog on Parkland remains subject, at all times, to every provision contained in the *Animal Licensing and Control Bylaw*.

(4) While on Parkland no person shall:

- (a) kill, injure, trap, tease or disturb any animal, bird or other wildlife; or
- (b) touch, damage, disturb or remove any nest or egg therein.

MOTOR VEHICLES

18

No person shall:

- (a) leave a Motor Vehicle on Parkland during the hours people are not permitted to enter or remain on Parkland as set out in this bylaw;
- (b) service, maintain or, except in the event of an emergency, repair a Motor Vehicle on Parkland;
- (c) operate a Motor Vehicle on Parkland except on a Roadway; or
- (d) operate an Off-Highway Vehicle on Parkland.

DIRECTION TO LEAVE PARKLAND

19

(1) In addition to any other penalty that may be imposed, any person contravening:

- (a) this bylaw;
- (b) any federal, provincial or other municipal legislation while on Parkland; or
- (c) any rule of conduct governing an area of Parkland;

may be directed by a Peace Officer or authorized employee of the City to stop the activity or to leave the Parkland.

(2) Any person directed to leave Parkland pursuant to this bylaw shall:

- (a) do so forthwith; and
- (b) shall not return within the following 24 hours, or such longer period of time, up to seven days, as specified in the direction.

INTERFERENCE

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No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant this bylaw.

PART IV - ENFORCEMENT

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|---------------------------------------|----|---|
| OFFENCE | 21 | A person who contravenes this bylaw is guilty of an offence. |
| CONTINUING OFFENCE | 22 | In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day. |
| FINES AND PENALTIES | 23 | <p>(1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.</p> <p>(2) Without restricting the generality of subsection (1) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:</p> <p>(a) \$100.00 for any offence for which a fine is not otherwise established in this section;</p> <p>(b) \$250.00 for any offence under section 5; 7; 8(d); 9(b) to (g); 10(b); 12; 13(b), 15(e) and (f); 17(4); and 18(c) and (d);</p> <p>(c) \$500.00 for any offence under section 10(c); and 15(g) and (h).</p> |
| MUNICIPAL TAG | 24 | If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence. |
| PAYMENT IN LIEU OF PROSECUTION | 25 | A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence. |
| VIOLATION TICKET | 26 | <p>If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:</p> <p>(a) specify the fine amount established by this bylaw for the offence; or</p> <p>(b) require a person to appear in court without the alternative of making a voluntary payment.</p> |

**VOLUNTARY
PAYMENT**

- 27 A person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.

PART V - GENERAL**CITY MANAGER**

- 28 Without restricting any other power, duty or function granted by this bylaw, the City Manager may:
- (a) carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - (b) delegate any powers, duties or functions under this bylaw to an employee of the City;
 - (c) establish forms for the purposes of this bylaw;
 - (d) establish areas where activities restricted by this bylaw are permitted;
 - (e) establish rules of conduct governing any area of Parkland;
 - (f) for any activity requiring the issue of a permit, establish the criteria to be met before such a permit will be issued; and
 - (g) issue permits with such terms and conditions as are deemed appropriate.

**PROOF OF
PERMISSION**

- 29 The onus of proving an activity otherwise regulated, restricted or prohibited by this bylaw is, in fact, permitted is on the person alleging such permission on a balance of probabilities.

**CERTIFIED COPY
OF RECORD**

- 30 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

(S.2,3,4,7 – Bylaw 13382, July 4, 2003)

(Note: Consolidation made under Section 69 of the Municipal Government Act, S.A., 1994, c. M-26.1 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 2202 passed by Council August 29, 1961

Amendments:

Bylaw No. 2281 - March 12, 1962 (repealed)
Bylaw No. 2750 - October 12, 1965 (repealed)
Bylaw No. 2874 - August 8, 1966 (repealed)
Bylaw No. 2929 - December 12, 1966 (repealed)
Bylaw No. 2977 - March 13, 1967 (repealed)
Bylaw No. 3015 - August 8, 1967 (repealed)
Bylaw No. 4685 - December 30, 1975 (repealed)
Bylaw No. 5920 - January 22, 1980 (repealed)
Bylaw No. 8316 – September 24, 1986 (repealed)
Bylaw No. 10160 - July 14, 1992 (repealed)
Bylaw No. 11191 - March 19, 1996 (repealed)
Bylaw No. 13382 – July 4, 2003
Bylaw No. 13518 – November 25, 2003